

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUDY ELLEN TATE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 3:16-cv-05015 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 7).

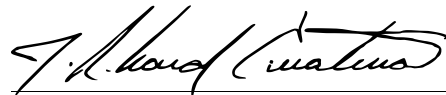
This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 30).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion (*see* Dkt. 30), the memorandum in support of petition (*see* Dkt. 31, Attachment 6) the attorney affirmation and time and expense itemizations (Dkt. 31, Attachments 1, 2, 3, 4), and the relevant

1 record, it is hereby ORDERED that EAJA attorney's fees of \$7,877.29 and expenses in the
2 amount of \$19.47, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue*
3 *v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

4 The Acting Commissioner agrees to contact the Department of Treasury after the Order
5 for EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to
6 any offset. If it is determined that plaintiff's EAJA fees and expenses are not subject to any
7 offset allowed pursuant to the Department of the Treasury's Offset Program, then the check for
8 EAJA fees shall be made payable to Paul B. Eaglin, Esq., based on plaintiff's assignment of
9 these amounts to plaintiff's attorney (*see* Plaintiff's Affirmation and Waiver of Direct Payment
10 of EAJA Fees, Dkt. 31, Attachment 5). If there is an offset, the remainder shall be made payable
11 to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-
12 122, Dkt. 22, p. 4). Any check for EAJA fees and expenses shall be mailed to plaintiff's counsel,
13 Paul B. Eaglin, Esq., at Olinsky Law Group, 300 S. State Street, Suite 420, Syracuse, NY 13202.

14 Dated this 8th day of November, 2016.

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16 J. Richard Creatura
17 United States Magistrate Judge
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